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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte RICHARD D. DETTINGER, TERRENCE R. O'BRIEN and
RICHARD J. STEVENS

_____

Appeal 2008-004719
Application 10/720,960[1]
Technology Center 2100

_____

Decided: December 2, 2009

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Before JAMES D. THOMAS, JOHN C. MARTIN, and
CAROLYN D. THOMAS, *Administrative Patent Judges.*

C. THOMAS, *Administrative Patent Judge.*

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 10-12, 14-21, and 27-29, which are all the claims remaining in the application, as claims 1-9, 13, and 22-26 are cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

A. INVENTION

Appellants invented a system, method, and computer readable medium for making available to users only those functional modules that meet specified requirements. (Spec. 1; ¶[0002].)

B. ILLUSTRATIVE CLAIM

The appeal contains claims 10-12, 14-21, and 27-29. Claims 10, 20, and 27 are independent claims. Claim 10 is illustrative:

> 10. A method of providing a user access to functional modules from within an application, used to build queries, issue queries and/or, view query results, during a query session comprising:
>
> assigning metadata requirements to functional modules that operate on data stored in, or functional modules that generate results that are stored in, a database, wherein the assigned metadata requirements specify conditions required for successful execution of the functional module;
>
> collecting runtime metadata relating to a query session, wherein the metadata is collected after the composition of a query;

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> obtaining a list of functional modules that are accessible from within an application used during the query session;

> identifying a limited subset of the functional modules in the list that will successfully execute, by comparing the collected runtime metadata with the assigned metadata requirements; and

> providing an interface presenting the user with the identified limited subset of functional modules that will successfully execute.

C. REFERENCES

The references relied upon by the Examiner as evidence in rejecting the claims on appeal are as follows:

Win	US 6,453,353 B1	Sep. 17, 2002
Pazandak	US 7,027,975 B1	Apr. 11, 2006

D. REJECTION

The Examiner entered the following rejection, which is before us for review:

All pending claims, claims 10-12, 14-21, and 27-29, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Win in view of Pazandak.

II. FINDINGS OF FACT

The following findings of fact (FF) are supported by a preponderance of the evidence.

Specification

1. Appellants' Specification discloses that "[s]ecurity oriented user information, such as user credentials, and user invoked session information also constitutes metadata." (Spec. 7; ¶ [0026].)

Win

2. Win discloses that "[a] single secure sign-on gives a user access to authorized Web resources, based on the user's role in the organization that controls the Web resources. . . . the roles are associated with access privileges." (Abstract.)

3. In Win, "[r]oles determine what resources a User can access." (Col. 5, l. 44.)

Pazandak

4. Pazandak discloses "a LL Interface Descriptor (B) . . . which is sent to the Parser Farm 308 on the server device 504." (Col. 12, ll. 19-22.)

5. Pazandak discloses that "[t]he Parser 310 can also send the set or subset of the interface Descriptor 306, e.g., LL parser ID, transaction ID, or other metadata." (Col. 17, ll. 17-20.)

III. PRINCIPLES OF LAW

"What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 419 (2007). To be nonobvious, an improvement must be "more than the predictable use of prior art elements according to their established functions." *Id.* at 417.

IV. ANALYSIS

Grouping of Claims

In the Appeal Brief:

Appellants argue claims 10-12, 14-21, and 27-29 as a group (App. Br. 10-13). For claims 11, 12, 14-21, and 27-29, Appellants repeat the same argument made for claim 10. We will, therefore, treat claims 11, 12, 14-21, and 27-29 as standing or falling with claim 10. *See* 37 C.F.R. § 41.37(c)(1)(vii). *See also In re Young,* 927 F.2d 588, 590 (Fed. Cir. 1991).

The Obviousness Rejection

We now consider the Examiner's rejection of the claims under 35 U.S.C. § 103(a).

Appellants contend that "the roles described in *Win* do not *define conditions for successful execution of a resource*, as do the assigned metadata requirements recited in the claims. The roles simply 'determine what resources a User can access.'" (App. Br. 11; *see* also Reply Br. 4.)

The Examiner found that the combination of Win and Pazandak discloses the above-noted features (Ans. 3-6).

Issue 1: Have Appellants shown that the Examiner erred in finding that Win and Pazandak discloses that "metadata requirements specify conditions required for successful execution of the functional module" and "collecting runtime metadata relating to a query session, wherein the metadata is collected after the composition of a query"?

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We refer to, rely on and adopt the Examiner's findings and conclusions set forth in the Answer as to the § 103 rejection of representative independent claim 10 on appeal. Pages 3 through 6 of the Answer have set forth a detailed correspondence of the claimed features of representative independent claim 10 on appeal to the cited Win and Pazandak references. In addition, the Examiner has responsive arguments, directed to the positions set forth in the Brief, beginning at page 15 of the Answer that address each of the major arguments presented by Appellants in Appeal Brief. Taken as a whole, the Answer is persuasive of unpatentability.

Consistent with the claimed invention, the Examiner has shown that the Win reference makes available to the user only those functional modules that meet specified requirements. For example, Win's invention as relied upon by the Examiner discloses "roles" which are associated with "access privileges" which reasonably correspond with the claimed "metadata requirements" that "specify conditions required for successful execution of the functional modules." We find that the claimed phrase "successful execution" includes any successful act. Here, Win allows the user to successfully access secure Web resources based on the user's access rights (FF 2-3). In other words, the Examiner associates Win's "access rights" with the claimed "successful execution of the functional module." As noted by the Examiner, Appellants' Specification even discloses that metadata includes security information (FF 1). As such, we agree that the claimed "metadata requirements specify conditions required for successful execution" reads on Win's "roles" and "access privileges."

Appellants further contend that "the 'collected runtime metadata' could not be both 'user roles' and 'End-User selection from the menu choices.'" (App. Br. 13; *see* also Reply Br. 6.)

The Examiner found that Pazandak teaches "LL interface descriptor (B) . . . which is sent to the Parser Farm 308 on the server . . ." (Ans. 5).

Issue 2: Have Appellants shown that the Examiner erred in finding that the combined teachings of Win and Pazandak disclose "collecting runtime metadata relating to a query session, wherein the metadata is collected after the composition of a query"?

Again, we refer to, rely on and adopt the Examiner's findings and conclusions set forth in the Answer as to the § 103 rejection of representative independent claim 10 on appeal. Pages 5 and 6 of the Answer have set forth a detailed correspondence of the claimed features of representative independent claim 10 on appeal to the cited Win and Pazandak references. In addition, the Examiner has responsive arguments, directed to the positions set forth in the Brief, beginning at page 19 of the Answer that address each of the major arguments presented by Appellants in Appeal Brief. Taken as a whole, the Answer is persuasive of unpatentability.

For example, the Examiner relies on Pazandak to disclose collecting runtime metadata relating to the query session, after the composition of a query (Ans. 5). Specifically, Pazandak's invention as relied upon by the Examiner discloses an LL interface descriptor that is sent to the Parser Farm as a set or subset (FF 4-5). In other words, the Examiner reasonably uses

Pazandak to show that it would have been obvious to have runtime metadata related to a query session (i.e., descriptor information) collected after the composition of a query.

Thus, Appellants have *not* persuaded us of error in the Examiner's conclusion of obviousness for representative claim 10. Therefore, we affirm the Examiner's § 103 rejection of independent claim 10 and of claims 11, 12, 14-21, and 27-29, which fall therewith.

We also note that Appellants have presented no arguments directed to the combinability of the references Win and Pazandak. Accordingly, Appellants have waived any such arguments, and the combinability of such references will not be addressed here.

V. CONCLUSION

We conclude that Appellants have *not* shown that the Examiner erred in rejecting claims 10-12, 14-21, and 27-29.

Thus, claims 10-12, 14-21, and 27-29 are not patentable.

VI. DECISION

In view of the foregoing discussion, we affirm the Examiner's rejection of claims 10-12, 14-21, and 27-29.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2009).

<u>AFFIRMED</u>

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